

**RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT AND
AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Application. No. 10/607,209**

Docket No. A8613

REMARKS

This response follows an Office Action of July 13, 2005. The petition and fee associated with the extension of time to file this response were filed on January 12, 2006, along with an Information Disclosure Statement containing the European Search Report for the corresponding case. The amendment to the claims here considers the art cited in that Search Report. It is noted that the Montague publication cited corresponds to the parent case here (this application is a continuation) and is not prior art.

Claims 57 and 72 have been amended. Claims 59, 61-62, 67, 75, 76, 80, 83 have been withdrawn, and claim 81 is withdrawn and amended. Claims 1-56, 63, 78-79, 82 and 84-87 have been cancelled.

Applicants confirm that claims 57-58, 60, 64-66, 68- 74 and 77 are subject to examination. Those claims stand rejected as anticipated by Chen '741. This rejection is respectfully traversed.

Claim 57 has been amended to include the salient limitations of claim 63 and emphasize the vertical adjustment of the assembly. The operative clause is:

a single level clamping device to control axial movement between said stem and said steerer tube, wherein said handlebar assembly is vertically adjustable in height for correct rider position in one position of said clamping device and wherein said steerer tube is fixed onto said stem when said clamping device is in a second position

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Claim 63 defined that the steering assembly was “adjustable in height” and the Examiner must have construed Chen as showing that feature by comparing Figures 5 and 6 with the handlebar 2 and the pipe 21 folded (Fig. 6) or raised (Fig. 5) thus shown at two different heights. However, the amended claim requires that the assembly is vertically adjustable in position when the clamping device is in one position, i.e. , open. In Chen there is no such vertical adjustment when the clamp is open. Rather the reference show only a stowed position in Figure 6 and rotation to a riding position in Figure 5. There is no vertical adjustment of pipe 5 at all, it is a fixed length.

It is noted that the phrase “ single level clamping device” defines a conventional quick release mechanism to co-axially lock two elements together.

Consistent with the elected species, Applicants now claim both vertical adjustment using the stem and steerer tube to position the handlebar correctly for different riders as well as rotational movement of the steerer tube when it is positioned above the headset bearings. Chen does not disclose structure capable of these two distinct modes of movement. Based on the amendment to claim 57 that generic claim should be allowed.

Claim 72 is likewise allowable over Chen. This claim, as amended, requires:

“and when raised above the steerer tube by movement of said stem relative to said steerer tube, [allows] disengages the steering of the vehicle by allowing said the stem to rotate axially relative to said steerer tube and then fold down said handlebar for storage in a position substantially parallel to the direction of movement of the vehicle”.

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Chen does not disclose either the disengagement of the steering or the folding of the handlebar to the position claimed.

Claim 77 requires that the stem is equipped with the restraining device. This is distinct from the steerer tube and thus the claim is allowable.

Claim 81 has been clarified to define the step of :

“rotating said stem on [is] its axis relative to the steerer tube, and folding the stem down for storage”.

Chen does not disclose that step. For the same reason claim 83 is also allowable.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account. A duplicate copy of this paper is attached.

Entry and consideration of this Amendment are respectfully requested.


Respectfully submitted,

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